

ESTTA Tracking number: **ESTTA409362**

Filing date: **05/16/2011**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

| | |
|------------------------|--|
| Proceeding | 91196417 |
| Party | Plaintiff Tyson Foods, Inc. |
| Correspondence Address | CLIFFORD C DOUGHERTY III MCAFEE & TAFT 211 N ROBINSON, TWO LEADERSHIP SQUARE 10TH FLOOR OKLAHOMA CITY, OK 73102 UNITED STATES cliff.dougherty@mcafeetaft.com, teresa.purcell@mcafeetaft.com |
| Submission | Motion to Extend |
| Filer's Name | Clifford C, Dougherty, III |
| Filer's e-mail | cliff.dougherty@mcafeetaft.com, teresa.purcell@mcafeetaft.com |
| Signature | /CCD,III/ |
| Date | 05/16/2011 |
| Attachments | extension.pdf (2 pages)(69293 bytes) |

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

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|-----------------------------|---|-------------------------|
| Tyson Foods, Inc., |) | |
| |) | |
| Opposer, |) | |
| |) | |
| v. |) | Opposition No. 91196417 |
| |) | |
| Everfresh Food Corporation, |) | |
| |) | |
| Applicant. |) | |

**MOTION FOR EXTENSION
OF DISCOVERY AND TESTIMONY PERIODS**

Opposer, Tyson Foods, Inc., hereby requests the Trademark Trial and Appeal Board to extend the period for discovery and the corresponding testimony periods two (2) months as follows:

| | |
|---|-------------------|
| The period for discovery to close | July 17, 2011 |
| Plaintiff's Pretrial Disclosures | September 1, 2011 |
| Plaintiff's 30-day Trial Period Ends | October 15, 2011 |
| Defendant's Pretrial Disclosures | October 30, 2011 |
| Defendant's 30-day Trial Period Ends | December 14, 2011 |
| Plaintiff's Rebuttal Disclosures | December 29, 2011 |
| Plaintiff's 15-day Rebuttal Period Ends | January 28, 2012 |

The reasons for this request are as follows:

Applicant, Everfresh Food Corporation, filed a Withdrawal of Application in the Trademark Trial and Appeal Board on May 2, 2011. Nevertheless, it is believed that the application is still pending at this time. As a result, this Motion for Extension is requested in order to allow the

Trademark Office time to process the Withdrawal of Application and notify the parties regarding the same. This motion is being filed in good faith and not for the purpose of unnecessary delay.

Respectfully submitted,

May 16, 2011

Date

Clifford C. Dougherty, III

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Attorney for Opposer

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion for Extension of Discovery and Testimony Periods was sent by first class mail, postage pre-paid on this 16th day of May, 2011, to:

Anne Steinfeldt
Vice President of Marketing
Everfresh Food Corporation
501 Huron Boulevard SE
Minneapolis, MN 55414

Clifford C. Dougherty, III

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